

Attorney's Docket No.: 10636-005001

**OFFICIAL COMMUNICATION**

**FACSIMILE**

**FOR THE PERSONAL ATTENTION OF:**

**EXAMINER KAMRAN AFSHAR**

**CENTRALIZED FAX NO: (703) 872-9306**

Number of pages including this page **4**

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**APR 02 2004**

**OFFICIAL**

Applicant : David Castiel, et al.  
Serial No. : 09/658,215  
Filed : September 8, 2000

Art Unit : 2681  
Examiner : Kamran Afshar

Title : **FACSIMILE COMMUNICATION  
FIXED SATELLITE CONSTELLATION SYSTEM EMPLOYING NON-  
GEOSTATIONARY SATELLITES IN SUB-GEOSYNCHRONOUS  
ELLIPTICAL ORBITS WITH COMMON GROUND TRACKS**

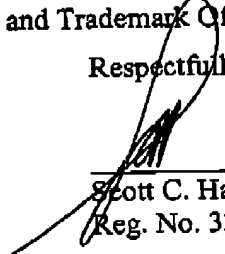
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached to this facsimile communication cover sheet is Response to Notice of Abandonment, and Request for Withdrawal of Holding of Abandonment, faxed this 2<sup>nd</sup> day of April, 2004, to Group 2681, the United States Patent and Trademark Office.

Respectfully submitted,

Date: April 2, 2004

  
\_\_\_\_\_  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No.: 09/658,215                                      Examiner : Kamran Afshar  
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              ELLIPTICAL ORBITS WITH COMMON GROUND TRACKS

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RESPONSE TO NOTICE OF ABANDONMENT, AND REQUEST FOR WITHDRAWAL OF  
HOLDING OF ABANDONMENT

A Notice of Abandonment was mailed by the Patent Office on January 5, 2004. This Decision on Abandonment held the application abandoned for alleged failure to timely reply to the Decision on Petition "mailed on September 1, 2000".

Applicants respectfully request that the Patent Office withdraw this holding of abandonment. In fact, there was no Decision on Petition mailed on September 1, 2000; the application was not filed until September 8, 2000, and it logically makes no sense that there could have been a Decision on Petition prior to the filing of the application. Therefore,

## CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

April 2, 2004  
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Lucille M. Begalla  
Typed or Printed Name of Person Signing Certificate

Applicant : David Castiel, et al.  
Serial No. : 09/658,215  
Filed : September 8, 2000  
Page : 2 of 3

Attorney's Docket No.: 10636-005001

the Patent Office's ground of holding the application abandoned are incorrect, and withdrawal of the holding of abandonment is requested.

Applicants have reviewed the file, and have found no Decision on Petition that was not answered. In any case, should the Patent Office believe that there was in fact a previously unanswered petition, then it is respectfully suggested that the Patent Office has already accepted such paper as having been constructively answered. Prosecution was conducted on numerous grounds subsequent to this alleged failure to reply to this petition. It is respectfully suggested that if issues remain unanswered by the alleged failure to reply to the Decision on Petition, then the proper action here is for the Patent Office to re-raise these issues and allow Applicants an opportunity to respond to these grounds. Again, it makes no logical sense to consider that the application could have been deemed abandoned in September of 2000, followed by numerous office actions and responses before the Patent Office. It is respectfully suggested that when the Patent Office issued these actions on the merits, this was an indication of acceptance of adequacy of any responses to any alleged petition.

A notice on the merits is respectfully requested.

Applicant : David Castiel, et al.  
Serial No. : 09/658,215  
Filed : September 8, 2000  
Page : 3 of 3

Attorney's Docket No.: 10636-005001

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Respectfully submitted,

Date: 04/02/2004

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